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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIEN ELRIC HUGHES,

Defendant.

CASE NO. 23-CR-159-ABJ

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**SECOND UNOPPOSED MOTION TO CONTINUE SENTENCING**

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Defendant Damien Elric Hughes, through his attorney, David Weiss, Assistant Federal Public Defender, moves the Court for an order continuing his sentencing hearing currently scheduled for September 17, 2024 for 60 days to a date and time convenient for the Court. Counsel was informed that Mr. Hughes' had been in the ICU Unit at the Swedish Medical Center in Colorado on September 6th suffering from a severe abdominal infection. On September 9, Mr. Hugh's mother informed the defense that Mr. Hughes was returned to the ICU Unit after having emergency surgery and on a ventilator, very septic and in critical condition, and

that he was scheduled for another surgery for an abdominal wash. As the defense has just recently been informed of Mr. Hughes' hospitalization, there has not been enough time to compile undated medical records to provide to the Court, however Mr. Hughes' family has been in constant contact with Jason Volz, United States Probation Officer, reporting and updating him on Mr. Hughes' condition. Considering the severity of Mr. Hughes' condition and the uncertainty of his prognosis, Counsel believes that a 60-day continuance is appropriate at this time.

Undersigned counsel has conferred with Assistant United States Attorney Christyne Martens about this request, and AUSA Martens indicated the government has no objection this motion.

Rule 32(b)(1) of the Federal Rules of Criminal Procedure instructs courts to "impose sentence without unnecessary delay." However, for good cause, a court may continue a sentencing hearing. *See* Fed. R. Crim.P. 45(b)(1) ("When an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion....").

Accordingly, Mr. Hughes requests that the sentencing hearing now set for September 17, 2024, at 9:30 a.m. be continued for 60 days to a date and time convenient to Court.

DATED this 11th day of September 2024.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

/s/ David Weiss  
DAVID WEISS  
Assistant Federal Public Defender

### **CERTIFICATE OF SERVICE**

I certify that the foregoing was served on September 11, 2024, to counsel of record via the ECF system.

/s/ David Weiss  
DAVID WEIS